

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 57/2013

Shri Ganpat Nanaji Balbudhe
At.Donduda, Po.Shekapur(Bai)
Tq. Hinganghat
District - Wardha.

Complainant

,,VS.,

1. Executive Engineer,
MSEDCL,O&M Division,
Hinganghat.
2. Executive Engineer/Nodal Officer,
I. G. R. C., Circle Office,
MSEDCL,Wardha.

Respondents

Applicant represented by 1) Shri B.V.Betal

Respondents represented by 1) Shri V.M.Hedao, Assistant Engineer, Hinganghat.

CORAM:

Shri Vishnu S. Bute, Chairman.
Adv. Gauri D. Chandrayan, Member
Ms. S. B. Chiwande, Member-Secretary.

JUDGEMENT

(Delivered on this 01st day of August, 2013)

2. Shri Ganpat Nanaji Balbudhe (hereinafter referred to as, the applicant) applied to the distribution licensee MSEDCL (hereinafter referred to as, the respondent) for new connection to his agricultural pump set. It is the contention of the applicant that the respondents have not given him the connection within the prescribed time limit. As such he is entitle for compensation as provided under the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2005. He approached the IGRC Wardha. His application had been dismissed vide order passed under no.SE/Wardha/Tech/IGRC/3649 dated

20-06-2013. Feeling aggrieved by this order the applicant presented the instant application under the provisions contained in Regulation 6.4 of the MERC (CGRF and E.O.) Regulations 2006.

3. A notice was given to the respondent. The respondent submitted reply under no.EE/O&M/H'ghat/Tech/3733 dated 20-07-2013. The case was fixed for personal hearing on 29-07-2013. Shri B.V.Betal, authorized representative, represented the applicant. Shri V.M.Hedao, Assistant Engineer, Hinganghat (Rural) represented the respondent. Both the parties were heard.

4. It was argued for the applicant that he submitted an application for electricity supply to an agricultural pump on 27-12-2010. A demand note was given to him on 05-02-2011. He deposited the amount as per demand on 07-02-2011. He submitted the test report on 14-02-2011. Shri Betal contended that the application was complete in all respect and the applicant completed all required formalities. As such he was entitle for connection within the time limit prescribed under Regulation 4 of the MERC (standards of performance of distribution licensees, period for giving supply and determination of compensation) Regulations 2005. The respondents released the connection on 05-04-2013. He submitted the claim for compensation as provided under Regulation 12.2 on 23-04-2013. So compensation as provided under Regulation 12 may be awarded to him.

It was further stated that he may be awarded a compensation of Rs.2 Lakhs towards the loss to his agricultural produce. Rs.50,000/- and Rs.40,000/- respectively may be awarded for physical and mental harassment caused to the applicant.

Rs.5000/- each may be awarded towards travel expenses and the cost of the instant proceeding. .

5. In reply the respondent submitted that the applicant submitted the application on 27-12-2010. A demand note was issued on 05-02-2011. The applicant deposited the amount on 07-02-2011 and he submitted the test report on 14-02-2011.

It was further stated that to provide the connection to the applicant it is necessary to lay L.T. line admeasuring 0.24 k.m. His name was entered in the paid pending list of 2010-11. The connections are released as per the orders from the higher authorities and the availability of funds under SPA scheme. The work to release connections to the applicants, who have deposited the amount during June 2010 to March 2011, has been taken in hand. The electricity connection has been given to the applicant on 05-04-2013. There is no delay in release of connection to the applicant. So he is not entitle for any compensation. The application may be dismissed.

6. The technical member of the forum submitted a note as under,

I have gone through the documents on record & submissions made by both the parties, it is not disputed that the complainant's application was complete in all respect on 14.02.2011, the date on which the test report has been submitted by him to the respondent's office. However the supply of electricity to the agricultural pumps is carried out under various schemes such as SPA –PE ,DPDC, Non DDF CCRF etc The complainant's Ag pump application was sanctioned under SPA scheme As there was huge pendency of agricultural pump applications in Hinganghat Division under SPA scheme ,hence the work of laying HT/LT lines & T/F for supplying connections was

carried out as per the seniority of the applications/applicants who deposited the demand amount & completed the formalities in all respect. While at the time of execution of work there were the instances of standing crops in the field & due to objections raised by the adjacent Agriculturist, the respondent had to wait till the crop season is over to carry out the work.

In view of circumstances mentioned above in my opinion there is no intentional delay for providing electric connection to the complainant's agricultural pump on the part of respondent . The respondent has provided the connection to the complainant's Ag pump on 05.04.2013 as per the seniority list. As the connection is already given to the complainant's agricultural pump, no compensation needs to be awarded to the complainant.

7. We have perused the record. We have heard the arguments advanced by both the parties.

It is admitted position that the applicant submitted the application in the prescribed form. He deposited the amount as per rule. He submitted the test report. His name was also entered in the paid pending list prepared by the respondent. So it is clear that the application submitted by the applicant was complete in all respect.

Regulation 4.5 prescribe the time limit for release of connection, it reads as under,

4.5 Where the supply of electricity to a premises require extension or augmentation of distributing mains, the distribution licensee shall give supply to such premises within three months from the date of receipt of complete application in

accordance with the MERC (Electricity supply code and other conditions of supply,) Regulations, 2005.

After hearing the parties and upon perusal of the record it reveal the applicant had submitted the complete application. So he was entitle for connection within a period of three months from 14-02-2011. The respondents should have released the connection on or before 14-05-2011. The respondents released the connection 05-04-2013. So he is entitle for compensation as provided under Regulation 12 and appendix A item1 (iii) attached the said Regulations.

8. In absence of any evidence much less reliable and cogent evidence we are not inclined to accept other claims of the applicant.

9. The respondent can not deny binding effect of SOP Regulations. So the note submitted by technical member can not be considered in toto.

10. In view of the position discussed above we pass the following order, by majority,

ORDER

- i) Application No.57 of 2013 is partly allowed.
- ii) The respondent MSEDCL is directed to pay compensation @ Rs.100/- per week for the period from 15-05-2011 to 05-04-2013.
- iii) The compensation shall be paid to the applicant within three months from the date of receipt of this order.

iv) No order as to cost.

Sd/-
(Adv.Gauri D.Chandrayan)
MEMBER

Sd/-
(Ms.S.B.Chiwande)
MEMBER SECRETARY

Sd/-
(Vishnu S. Bute)
CHAIRMAN

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR
(Nagpur Dtd.01st day of August, 2013)

**CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.**

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(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 01th August, 2013 in Case No.57 / 2013 is enclosed herewith.

Member-Secy/ Exe.Engineer,
C.G.R.F.(NZ)MSEDCL
N A G P U R

To,
Shri Ganpat Nanaji Balbudhe, At.Donduda, Po.Shekapur(Bai), Tq.Hinganghat,
Dist.Wardha

Copy s.w.r.to :-

1. The Chief Engineer(NZ), MSEDCL, Vidyut Bhavan, Katol Road, Nagpur.

Copy f.w.cs.to:

1. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Wardha
2. The Executive Engineer,C.C.O&M Dn., MSEDCL, Hinganghat
for information and necessary action.

Address of the Electricity Ombudsman is given as below.

Office of - The Electricity Ombudsman,
12, Srikrupa, Vijay Nagar,
Chhaoni, Nagpur-440 013
0712-2596670